

### **REMARKS**

In accordance with the foregoing, the title, abstract, and claims 1, 5, 10, and 11 are amended. Claim 4 is cancelled without prejudice or disclaimer. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended title, abstract and claims are respectfully requested.

Claims 1-3 and 5-11 are pending and under consideration.

### **CLAIM AMENDMENTS**

Claims 1 and 5 are amended to include the features of claim 4 cancelled herein and to improve clarity. Claims 10 and 11 are amended to replace the term "tracking" with the term --confirmation--." No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended title, abstract and claims are respectfully requested.

### **OBJECTION TO THE SPECIFICATION**

On the Office Action Summary, the Examiner indicates that the specification is objected to. Although, the Examiner does not specifically indicate that the abstract is objected to, in item 3 of the Action the Examiner provides "proper language and format for an abstract." In item 4 of the Action, the Examiner indicates that the title is not descriptive.

The title is replaced and the abstract amended herein. Applicants submit that the title is descriptive and the abstract, as amended is in proper language and format. Withdrawal of the objection to the specification is requested.

### **ITEM 6: REJECTION OF CLAIMS 10-11 UNDER 35 U.S.C. 112, FIRST PARAGRAPH**

The Examiner rejects claims 10-11 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 10-11 are amended herein to replace the term "tracking information" with the term --confirmation information--. (See, for example, page 6, starting at line 5).

Applicants submit that claims 10-11, both as amended, comply with 35 U.S.C. 112, first paragraph and request withdrawal of the rejection.

### **ITEMS 7-8: REJECTION OF CLAIMS 1-3 AND 5-11 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING IN VIEW OF CLAIMS 3 AND 6 OF APPLICATION NO. 09/688,046**

### **ITEMS 11-16: REJECTION OF CLAIMS 1-3 AND 5-11 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER ART HIMMEL (U.S.P. 6,237,035) AND MURPHY JR, ET AL. (U.S.P. 6,061,741)**

In items 7-8, the Examiner rejects claims 1-3 and 5-11 under the judicially created

doctrine of obviousness-type double patenting in view of claims 3 and 6 of Application No. 09/688,046. (Action at page 3). In items 11-16, the Examiner rejects claims 1-3 and 5-11 under 35 U.S.C. §103(a) as being unpatentable over Himmel and Murphy Jr. (Action at pages 4-7).

Independent claim 1, as amended recites a server for performing a process in compliance with a request from a client including:

(1) "affixing means for affixing confirmation information for confirming display status of the client side to a result of the process performed by said processing means; storing means for storing the confirmation information affixed by said affixing means"

(2) "liberal zone identification code affixing means for affixing a liberal zone identification code to the result of the process performed by said processing means in the case the result is a page belonging to a group of pages previously defined as a liberal zone; transmitting means for transmitting the result of process having the confirmation information affixed thereto by said affixing means to the client which has made the request" . . . (and)

(3) "suspending means for suspending the withholding of said withholding means when the request made again by the client contains the liberal zone identification code, thereby permitting execution of the request made again by the client."

In support of the rejection of claim 4, now cancelled herein and the features included in claims 1 and 5, both as amended, the Examiner contended features (2) and (3) were taught by Himmel citing col. 5, line 51 and col. 6, line 7 and Murphy citing col. 5, lines 12-65. In support of the rejection of claims 5-11 the Examiner contended that claims 5-11 have similar limitations as claims 1-4 and "rejected under Himmel-Murphy for the same reasons set forth in the rejections of claims 1-4." (Action at page 6).

Applicants respectfully point out that to the Examiner that according to aspects of the present invention the "affixing a liberal zone identification code" is separate from the "affixing confirmation information."

In addition, with the "suspending means for suspending the withholding," a request that is made again by the same client can be executed regardless of the state of its confirmation information.

Applicants submit that these features are not taught by any of the cited art (including Application No. 09/688,046 that issued on July 19, 2005), alone or in combination, in the lines cited by the Examiner or anywhere else.

Since the support cited by the Examiner in the rejection of claim 4, i.e., features (2) and

(3) was the same as used in the rejection of claim 1, before amendment, i.e., feature (1), Applicants respectfully submit that the Examiner incorrectly does not seem to differentiate the recited "identification code" from the "confirmation information."

In fact, according to aspects of the present invention, these two pieces of information have different functions, and the liberal zone identification code, in effect, nullifies the confirmation information.

#### Summary

Since features recited by claims are not taught by the cited art, alone or in combination, and *prima facie* obviousness is not established, the rejections should be withdrawn and claims 1-3 and 5-11 allowed.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 8, 2003

By: Paul W. Bobowiec  
Paul W. Bobowiec  
Registration No. 47,431

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501